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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,132

03/19/2004

Hans Pfeiler

P25052

6384

7055 7590 02/21/2008
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1950 ROLAND CLARKE PLACE
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EXAMINER

STONER, KILEY SHAWN

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

02/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary	Application No.	Applicant(s)	
	10/804,132	PFEILER, HANS	
	Examiner	Art Unit	
	KILEY STONER	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-56 is/are pending in the application.
- 4a) Of the above claim(s) 13-30,36-52 and 54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-35,53,55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-56 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31-35, 53, and 55-56 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,732,613 (Steigerwald).

Steigerwald teaches arranging ends of the parts having a profiled cross section (pipe's profiled cross section) and a length (overall length of the pipe) which is greater than the overall width of the profile crossed section (pipe's profiled cross section) opposite one another (abstract), wherein the ends are provided with flat axially normal cross-sectional surfaces (col. 2, ll. 5-67); pressing the cross-sectional surfaces against one another and moving an axis of at least one of the parts relative to an axis of another of the parts, such that face areas of the ends are brought to one of an increased temperature or a joining temperature (abstract); axially aligning the parts; and; metallically bonding the parts (col. 12, ll. 10-45) after the axially aligning, forcing the ends of the parts together (col. 12, ll. 10-40); arranging ends of the parts opposite one another, wherein the ends are provided with flat axially normal cross-sectional surfaces; pressing the cross-sectional surfaces against one another by moving at least one of the

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ends axially relative to another of the ends (abstract), such that face areas of the ends are brought to one of an increased temperature or a joining temperature; axially aligning the parts; and metallicity bonding the parts (col. 12, ll. 10-45); after the axially aligning, forcing the ends of the parts together to produce an all-over metallic bonding of the ends of the parts (col. 12, ll. 10-45); the pressing produces a weld area and takes place under increased pressure (col. 12, ll. 10-45, by friction welding); first and second clamping arrangements structured and arranged to position ends of the parts against one another; at least one of the first and second clamping arrangements being axially movable with respect to another of the first and second clamping arrangements (col. 12, l. 15) where the first and second clamping arrangements surround a portion of one of the parts and the second clamping arrangement surrounding a portion of another of the parts; where the first and second moving devices for respectively moving the first and second clamping arrangements along a direction that is parallel to a part cross-sectional plane; and first and second control devices for controlling movement of the first and second moving devices, wherein the part cross-sectional plane is define by an end face of one of the parts (Col. 12, ll. 20-40); arranging ends of the two parts opposite one another; pressing the ends against one another by moving at least one of the ends axially relative to another of the ends; moving the ends relative to each other along a direction which is parallel to an end surface of at least one of the ends; axially aligning the parts; and metallicity bonding the ends of the two parts (abstract, by friction welding).

Conclusion

This is a RCE of applicant's earlier Application No. 10/804,132. All claims are drawn to the same invention claimed in the earlier application and have been finally rejected on the grounds and art of record. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiley Stoner whose telephone number is 571-272-1183. The examiner can normally be reached Monday-Thursday (9:30 a.m. to 8:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiley Stoner/

Primary Examiner, Art Unit 1793